IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Bail Appl..No. 1095 of 2007()

AGAINST THE ORDER IN BA.4917/2005
CRIME NO.267/05 OF VADAKKANCHERRY POLICE STATION

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PETITIONER:

SHAJI, S/O.KUNJUKUTTY,
PARAKUNNEL VEEDU, PALAKUZHY P.O.,
KIZHAKKENCHERRY, PALAKKAD DISTRICT.

BY ADV. SRI.LEGY ABRAHAM

RESPONDENTS:
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1. SUB INSPECTOR OF POLICE,
VADAKKENCHERY POLICE STATION.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1095 OF 2007 B

Dated this the 26th day of February, 2007

O R D E R

Petitioner, who is the accused in Crime No.267/2005 of Vadakkancherry Police Station for offences punishable under section 55(a) and (g) of the Abkari Act for allegedly having been found in possession of 80 liters of arrack and 150 liters of wash on 10.5.2005, seeks anticipatory bail. His earlier application for anticipatory bail was dismissed by this court as per Annexure-I order dated 16.8.2005 in B.A.No.4917/2005.

2. Consequent on the non-appearance of the petitioner in C.P.No.50/2006 on the file of the JFCM, Alathur, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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